



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 28, 2009

8/31/09

*So Orderd
8/31/09
Alvin K. Hellerstein*

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

We write respectfully to request a three-week extension of time, until September 21, 2009, to file the Vaughn declarations in support of the withholdings made by the Department of Justice, Office of Legal Counsel ("OLC") and Central Intelligence Agency ("CIA") relating to the 181 classified documents contained in the OLC Vaughn that comprise a portion of the documents remanded to this Court from the Second Circuit. Plaintiffs consent to this request.

On July 20, 2009, the Court entered an Order directing the Government to complete its reprocessing of the CIA Office of Inspector General Report ("OIG Report") on August 24, 2009, and to complete its reprocessing of the remaining 318 remanded documents by August 31, 2009. The CIA and OLC completed the reprocessing of both the OIG Report and the other 318 remanded documents, and released in full or in part over 50 documents on August 24, 2009 (including a redacted version of the OIG Report). Also pursuant to the Court's July 20 Order, currently due on August 31, 2009 are the Vaughn declarations in support of the withholdings made by CIA and OLC of information contained in both the OIG Report and the other remanded documents. The Government seeks an extension of the deadline only with respect to the OLC documents, as the CIA will file on August 31 the Vaughn declaration with respect to the 138 OIG documents.

We make this request to allow OLC an opportunity to conduct a final search of its Sensitive Compartmented Information Facility ("SCIF"). In light of the remand and reprocessing of documents in preparation for the August 24 release, OLC has been recompiling the original set of 181 classified documents, which was originally gathered in 2005. While recompiling the set, OLC has encountered difficulties matching a few documents with entries on the original Vaughn index. The additional three weeks will provide OLC an opportunity to search for any additional responsive documents that may exist in its SCIF and to confirm that OLC has located all of the documents identified on its Vaughn.

We thank the Court for considering this request.

Respectfully,

PREET BHARARA
United States Attorney

By:


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